

**FACT SHEET AND EXECUTIVE DIRECTOR'S PRELIMINARY DECISION
TEXAS POLLUTANT DISCHARGE ELIMINATION SYSTEM GENERAL
PERMIT TXG340000**

Issuing Office: Texas Commission on Environmental Quality
P.O. Box 13087
Austin, TX 78711

Prepared by: Yvonna Miramontes/Chris Linendoll
Wastewater Permitting Section
Water Quality Division
(512) 239-6922

Date: May 25, 2012

Permit Action: Amendment with Renewal of a TPDES General Permit

I. Summary

The Texas Commission on Environmental Quality (TCEQ) is proposing to reissue Texas Pollutant Discharge Elimination System (TPDES) General Permit TXG340000, issued April 23, 2007, which authorizes discharges of facility wastewater, contact storm water, and storm water associated with industrial activities into or adjacent to water in the state from petroleum bulk stations and terminals (PBSTs). The draft permit specifies which facilities may be authorized under this general permit and those which must be authorized by individual permit.

II. Executive Director's Recommendation

The executive director has made a preliminary decision that this permit, if reissued, meets all statutory and regulatory requirements. It is proposed that the permit be reissued to expire five years from the effective date following the requirements of 30 Texas Administrative Code (TAC) §205.5(a).

III. Permit Applicability and Coverage

- A. This general permit authorizes the discharge of facility wastewater, contact storm water, and storm water associated with industrial activities into or adjacent to water in the state from petroleum bulk stations and terminals. The permit specifies which facilities may be authorized under this general permit and those which must be authorized by individual permit.
- B. The following discharges are not eligible for general permit coverage.
 - 1. Discharges prohibited by 30 TAC Chapter 311, Watershed Protection, and 30 TAC Chapter 213, *Edwards Aquifer*;

Fact Sheet and Executive Director Preliminary Decision
TPDES General Permit No. TXG340000

2. Discharges of the constituents of concern to impaired water bodies when there is a TCEQ approved total maximum daily load (TMDL) implementation plan unless the discharges are consistent with the approved TMDL and the implementation plan. Constituents of concern are those causing a water body to be listed as impaired;
 3. Discharges that do not meet water quality standards, cause a violation of water quality standards, cause or contribute to a water quality violation, or fail to protect and maintain existing designated uses;
 4. New sources or new discharges of constituent of concern to impaired waters unless otherwise allowable under 30 TAC Chapter 305, ***Consolidated Permits***, and applicable state law. Impaired waters are those that do not meet applicable water quality standards and are listed on the Clean Water Act (CWA) §303(d) list. Constituents of concern are those causing a water body to be listed as impaired;
 5. Discharges that would adversely affect a listed endangered or threatened species or its critical habitat. Federal requirements related to endangered species apply to all Texas Pollutant Discharge Elimination System (TPDES) permitted activities, and site-specific controls may be required to ensure that protection of endangered or threatened species is achieved;
 6. Discharges from a facility rated as a poor performer as defined in 30 TAC §60.3(a), ***Use of Compliance History***, or has other compliance history issues that may indicate the **permittee's** lack of ability to comply with the permit and commission rules; and
 7. Discharges into or adjacent to water in the state from facilities that are regulated by the Railroad Commission of Texas, including crude oil facilities.
- C. Facilities that dispose of wastewater by any of the following practices are not required to obtain coverage under this general permit or an individual permit:
1. Recycling of the wastewater with no resulting discharge into or adjacent to water in the state.
 2. Pumping and hauling of the wastewater to an authorized disposal facility.
 3. Discharge to a POTW.
 4. Underground injection in accordance with 30 TAC Chapter 331, ***Underground Injection Control***.
 5. Discharge to above ground storage tanks with no resulting discharge into or adjacent to water in the State.

IV. Permit Conditions and Effluent Limitations

Eligible discharges of facility wastewater and contact storm water are subject to the following effluent limitations:

Table 1. Effluent Limitations

Parameter	Daily Maximum Limitations	Sample Type	Monitoring Frequency
Flow	Report MGD	Estimate	1/day
Total Petroleum Hydrocarbons	15 mg/L	Grab	1/week (1)(2)
Benzene	0.05 mg/L	Grab	1/week (1)(2)
Total BETX (3)	0.5 mg/L	Grab	1/week (1)(2)
Lead, total	0.10 mg/L (5)	Grab	1/week (1)(2)(4)
Lead, total	0.02 mg/L (5)	Grab	1/week (1)(2)(4)
MTBE (Interim) (6)(7)	0.24 mg/L	Grab	1/week (1)(2)(9)
MTBE (Final) (6)(8)	0.15 mg/L	Grab	1/week (1)(2)(9)

- (1) If compliance with the effluent limitation is demonstrated for a period of two consecutive years, the minimum monitoring frequency may be reduced to once **per two weeks upon the permittee's submission of a certification of** such compliance. This certification must be made in writing to the TCEQ's Industrial Permits Team (MC 148). If a subsequent noncompliance occurs, the monitoring frequency must revert to once per week.
- (2) For a discharge consisting solely of contact storm water, the sample must be obtained within 60 minutes after discharge begins.
- (3) The sum of benzene, toluene, ethylbenzene and xylenes.
- (4) **The monitoring frequency for total lead will be once per year upon the permittee's** certification in the Notice of Intent (NOI) that none of the substances stored at the facility include refined petroleum products or petroleum fuels containing lead or lead additives. If at a later date, refined petroleum products or petroleum fuels containing lead or lead additives are stored, the permittee must notify the executive director and the monitoring frequency for total lead will become once per week.
- (5) The daily maximum effluent limitation for total lead is 0.02 mg/L for discharges in the following counties: Anderson, Angelina, Camp, Cass, Cherokee, Collin, Franklin, Gregg, Hardin, Harrison, Henderson, Hopkins, Houston, Hunt, Jasper, Jefferson, Kaufman, Liberty, Marion, Morris, Shelby, Smith, Titus, Trinity, Tyler, Upshur, Van Zandt, or Wood. For discharges in all other counties in the state, the daily maximum limitation is 0.10 mg/L.

Fact Sheet and Executive Director Preliminary Decision
TPDES General Permit No. TXG340000

- (6) MTBE is methyl tertiary-butyl ether.
- (7) Interim limits are effective beginning upon the effective date of this general permit and lasting for three years. The interim limits are only applicable to existing facilities, as defined in Part I., Definitions of this general permit.
- (8) Final limits are effective at the time of this general permit effective date for new facilities, as defined in Part I, Definitions of this general permit. Final limits are effective for existing facilities as defined in Part I, Definitions, three years from the effective date of this general permit and lasting through permit expiration.
- (9) The **monitoring frequency for MTBE will be once per year upon the permittee's** certification in the NOI that none of the substances at the facility include refined products or petroleum fuels containing MTBE. If at a later date, refined petroleum products or petroleum fuels containing MTBE are found at the facility, the permittee must notify the executive director and the monitoring frequency for MTBE will become once per week.

D. All eligible discharges are subject to the following effluent limitations:

Table 2. Numeric Limitations for Hazardous Metals

Parameter	Daily Maximum Limitation	Sample Type	Monitoring Frequency
Arsenic, total	0.3 mg/L	Grab	1/year
Barium, total	4.0 mg/L	Grab	1/year
Cadmium, total (inland waters)	0.2 mg/L	Grab	1/year
Cadmium, total (tidal waters)	0.3 mg/L	Grab	1/year
Chromium, total	2.0 mg/L	Grab	1/year
Copper, total	2.0 mg/L	Grab	1/year
Manganese, total	3.0 mg/L	Grab	1/year
Mercury, total	0.01 mg/L	Grab	1/year
Nickel, total	3.0 mg/L	Grab	1/year
Selenium, total (inland waters)	0.2 mg/L	Grab	1/year
Selenium, total (tidal waters)	0.3 mg/L	Grab	1/year
Silver, total	0.2 mg/L	Grab	1/year
Zinc, total	6.0 mg/L	Grab	1/year

E. All eligible discharges are subject to whole effluent, 24-hour acute toxicity monitoring.

Fact Sheet and Executive Director Preliminary Decision
TPDES General Permit No. TXG340000

V. Changes From Existing General Permit

- A. Interim limits were removed for total lead. The interim limits in the current permit expired on April 23, 2010, three years from permit issuance of April 23, 2007.
- B. Included definitions for Edwards Aquifer and Edwards Aquifer recharge zone.
- C. Removed the definitions for daily average and the monthly average because these limits are not required in the draft general permit.
- D. Revised the definition for operator for clarification and consistency with the recently issued MSGP.
- E. Included a requirement that discharges that would adversely affect a listed endangered species are not authorized by the permit.
- F. Removed the monthly average limit for hazardous metals (retained the daily maximum limit), since sampling is required only once per year.
- G. Based on a recommendation from the Standards Implementation Team, the effluent limit for methyl tertiary-butyl ether (MTBE) was revised to 0.15 mg/l for the protection of human health and to protect drinking water taste and odor. A three year compliance period was included in the draft permit for existing facilities.
- H. Added definition for treatment facility and revised owner definition to clarify when an owner is required to submit an NOI.
- I. **In response to EPA's Interim Objection letter dated October 20, 2011 Part II, Section B. 8** was added to the draft permit.

VI. Addresses

Questions concerning this proposed draft general permit should be sent to:

Industrial Permits Team
Wastewater Permitting Section (MC-148)
TCEQ
P.O. Box 13087
Austin, TX 78711-3087
(512) 239-4671

Comments regarding this proposed draft general permit should be sent to:

Chief Clerk's Office (MC-105)
TCEQ
P.O. Box 13087
Austin, TX 78711-3087

VII. Supplementary information in this Fact Sheet is organized as follows:

- VIII. Legal Basis
- IX. Regulatory Background
- X. Permit Coverage
- XI. Technology-Based Requirements
- XII. Water Quality-Based Requirements
- XIII. Monitoring
- XIV. Procedures for Final Decision
- XV. Administrative Record

VIII. Legal Basis

§ 26.121 of the Texas Water Code (TWC) makes it unlawful to discharge pollutants into or adjacent to water in the state except as authorized by a rule, permit, or order issued by the commission. TWC, § 26.027 authorizes the commission to issue permits and amendments to permits for the discharge of waste or pollutants into or adjacent to water in the state. TWC, §26.040 provides the commission with authority to amend rules adopted under TWC § 26.040, and to authorize waste discharges by general permit. On September 14, 1998, the TCEQ received authority from the United States Environmental Protection Agency (EPA) to administer the Texas Pollutant Discharge Elimination System (TPDES). The TCEQ and the EPA have signed a Memorandum of Agreement which authorizes the administration of the National Pollutant Discharge Elimination System (NPDES) program to the TCEQ as it applies to the State of Texas.

CWA, §§ 301, 304, and 401; 33 United States Code (USC), §§1331, 1314, and 1341) include provisions which state that NPDES permits must include effluent limitations requiring authorized discharges to: (1) meet standards reflecting levels of technological capability; (2) comply with EPA-approved state water quality standards; and (3) comply with other state requirements adopted under authority retained by states under CWA, § 510, 33 USC, §1370.

Two types of technology-based effluent limitations must be included in the proposed general permit. With regard to conventional pollutants, i.e., pH, biochemical oxygen demand (BOD₅), oil and grease, total suspended solids (TSS), and fecal coliform bacteria, CWA, § 301(b)(1)(E) requires effluent limitations based on **“best conventional pollutant control technology” (BCT)**. With regard to nonconventional and toxic pollutants, CWA, § 301(b)(2)(A), (C), and (D) requires **effluent limitations based on “best available technology economically achievable” (BAT)**, a standard which generally represents the best performing existing technology in an industrial category or subcategory. BAT and BCT effluent limitations may never be less stringent than corresponding effluent limitations based on best practicable control technology (BPT), a standard applicable to similar discharges before March 31, 1989 under CWA, § 301(b)(1)(A).

Frequently, EPA adopts nationally applicable guidelines identifying the BPT, BCT, and BAT standards to which specific industrial categories and subcategories are subject. Until such guidelines are published, however, CWA, §402(a)(1) requires that appropriate BCT and BAT effluent limitations be included in permitting actions on the basis of best professional judgment (BPJ).

IX. Regulatory Background

The commission was given authority to issue general permits by HB 1542, passed during the 75th legislative session. Further clarification of this general permit authority was provided in subsequent legislation, HB 1283, passed during the 76th legislative session. As a result of this authority and in accordance with a memorandum of agreement between the EPA and TCEQ relating directly to the TPDES permit program, the commission is seeking to reissue this general permit.

X. Permit Coverage

This general permit authorizes the discharge of facility wastewater, contact storm water, and storm water associated with industrial activities into or adjacent to water in the state by petroleum bulk stations and terminals. The permit specifies which facilities may be authorized under this general permit and those which must be authorized by individual permit.

- A. All applicants seeking authorization to discharge under this general permit must submit a completed Notice of Intent (NOI) on a form approved by the executive director. Existing discharges authorized under the expiring general permit are required to submit a new NOI within 90 days of the general permit effective date to continue authorization. The NOI shall include at a minimum the legal name and address of the owner and operator, the facility name and address, specific description of the location of the discharge, type of facility or discharges, and the name of the receiving water.
- B. Submission of a NOI is an acknowledgment that the conditions of this general permit are applicable to the proposed discharges and that the applicant agrees to comply with the conditions of the general permit. Provisional authorization to discharge under the terms and conditions of this general permit begins 48 hours after a completed NOI is postmarked for delivery to the TCEQ. Following review of the NOI, the executive director will: a) determine that the NOI is complete and confirm coverage by providing a written notification and an authorization number; b) determine that the NOI is incomplete and request additional information needed to complete the NOI; or c) deny coverage in writing. Denial of coverage will be made in accordance with 30 TAC §205.4, ***Applications and Notices of Intent***. If the TCEQ provides for electronic submission of NOIs during the term of this permit, and an NOI is submitted electronically, authorization begins 24 hours following confirmation of receipt of the electronic NOI.

Applicants seeking authorization to discharge to a municipal separate storm sewer system (MS4) must provide a copy of the NOI to the operator of the MS4 at the same time an NOI is submitted to the TCEQ

- C. For discharges located in or within ten stream miles upstream of the Edwards Aquifer recharge zone, applicants must submit a copy of their NOI to the appropriate TCEQ regional office. Discharge may not commence for sites regulated under 30 TAC Chapter 213, ***Edwards Aquifer***, until all applicable requirements of the Edwards Aquifer rules are met, including a TCEQ approved Edwards Aquifer Protection Plan, if applicable.

Fact Sheet and Executive Director Preliminary Decision
TPDES General Permit No. TXG340000

- D. Authorization under this general permit is not transferable. If either the owner or operator of the regulated entity is changing, then the present owner and operator must submit a notice of termination (NOT) and the future owner and operator must submit an NOI. The NOT and NOI must be submitted no later than 10 days before the change. Permittees discharging to an MS4 must submit a copy of the NOT and NOI to the MS4 at the same time the NOT and NOI are submitted to the TCEQ.

XI. Technology-Based Requirements

The limitations and conditions of the proposed general permit have been developed to comply with the technology-based standards of the CWA. There are currently no nationally applicable effluent limitation guidelines identifying the BPT, BCT, and BAT standards. Technology-based effluent limitations included in the general permit are based on BPJ.

The parameters selected for BCT/BAT limits are the primary pollutants of concern for discharges authorized in the general permit are benzene, BTEX (sum of benzene, toluene, ethylbenzene, and xylenes), pH, and total petroleum hydrocarbons. The BAT limitations for these parameters are: 0.05 mg/L benzene (as a daily maximum); 0.5 mg/L BTEX (as a daily maximum); between 6 and 9 standard units pH; and 15 mg/L total petroleum hydrocarbons (as a daily maximum). These effluent limitations are economically achievable and are established at levels existing in the current TPDES general permit. Treatment technologies which are currently available and applicable to treat wastewater generated from this industrial activity include (but are not limited to): oil/water separation, activated carbon adsorption, and biological wastewater treatment. Additionally, technology-based effluent limitations are included for arsenic, barium, cadmium, chromium, copper, manganese, mercury, nickel, selenium, silver, and zinc. Numeric effluent limitations for parameters were established according to 30 TAC Chapter 319, ***General Regulations Incorporated Into Permits***, and are consistent with the effluent limitations in the current TPDES general permit.

Based on EPA's Conditional Withdrawal of Interim Objection letter dated April 19, 2012, TCEQ specifically considered BPJ technology-based effluent limitations for total suspended solids and oil and grease. Discharges authorized under this general permit include both facility wastewater (defined in the general permit as tank bottom water, tank condensates, loading rack wash water and similar water that has come into contact with the contents of bulk storage tanks) and storm water. In relation to oil and grease, TCEQ contends that the technology based effluent limitations established for total petroleum hydrocarbons, BTEX, and benzene properly establish controls and are more appropriate effluent limitations to control the discharge of free product and other sources of organic chemicals than oil and grease which includes additional materials such as animal fats, etc. which are not a source of contamination from petroleum bulk storage terminals. Oil and grease is not being selected as a BPJ based technology based limitation in the proposed general permit. In relations to total suspended solids (TSS), the primary source of TSS would come from contact storm water and storm water associated with industrial activity.

Storm water discharges from petroleum bulk storage terminals are authorized under TCEQ's statewide Industrial Storm Water Multi-Sector General Permit (TXR050000) and included under Sector P (Land Transportation and Warehousing) which is consistent with NPDES regulations which defines this sector at 40 CFR Section 122.26(b)(14)(viii). Storm water from this sector subject to the NPDES program is limited to areas where vehicle maintenance and equipment cleaning activities occur. Storm water is included in this general permit to provide a streamlined mechanism for petroleum bulk storage terminals to obtain one general permit for discharges of facility wastewater and storm water rather than having to obtain a separate general permit authorization just for storm water discharges. TXR050000 reissued on August

Fact Sheet and Executive Director Preliminary Decision
TPDES General Permit No. TXG340000

14, 2011 does not establish effluent limitations or benchmark monitoring requirements for total suspended solids, thus this general permit is being established consistent with TXR050000 without TSS limitations. TCEQ contends that the SWP3 requirements established in the general permit properly control the discharge of TSS and limitations are not required.

The draft general permit includes requirements to develop and implement a storm water pollution prevention plan (SWP3) to control discharges of storm water associated with industrial activities. This requirement is limited to storm water runoff from areas of the permitted facility where vehicle maintenance occurs, in accordance with NPDES storm water regulations at 40 CFR Part 122.26 (b)(14)(viii), and as adopted by reference in 30 TAC Chapter 281, *Applications Processing*.

XII. Water Quality-Based Requirements

The Texas Surface Water Quality Standards (TSWQS) codified at 30 TAC Chapter 307 state that “surface waters will not be toxic to man, or to terrestrial or aquatic life.” The methodology outlined in the *Procedures to Implement the TSWQS* is designed to insure compliance with 30 TAC Chapter 307. Specifically, the methodology is designed to insure that no source will be allowed to discharge any wastewater which: (1) results in instream aquatic toxicity; (2) causes a violation of an applicable narrative or numerical state water quality standard; (3) results in the endangerment of a drinking water supply; or (4) results in aquatic bioaccumulation which threatens human health.

TPDES permits contain technology-based effluent limits reflecting the best controls available. Where these technology-based permit limits do not protect water quality or the designated uses, additional water quality-based effluent limitations and or conditions are included in the TPDES permits. State narrative and numerical water quality standards are used in conjunction with EPA criteria and other toxicity data bases to determine the adequacy of technology-based permit limits and the need for additional water-quality based controls. After review by the TCEQ Standards Implementation Team, it was determined that the proposed technology-based effluent limits are protective of water quality.

In accordance with 30 TAC §307.5, *Antidegradation*, and the TCEQ implementation procedures for the TSWQS, an antidegradation review of the general permit was performed. It has been preliminarily determined that where permit requirements and storm water pollution prevention plans are properly implemented, no significant degradation is expected and existing uses will be maintained and protected. See Standards Implementation Team memo dated June 2, 2011.

A daily maximum effluent limit of 0.10 mg/L for total lead has been developed based on the protection for acute freshwater aquatic life toxicity in situations where little or no dilution occurs, and will help ensure that chronic criteria will be protected. Human health criteria is reasonably protected by the proposed lead limit, since rapid dilution is expected for any discharges into waterbodies that are large enough to constitute a public drinking water supply or a sustainable fishery.

A separate daily maximum effluent limit for total lead has been developed for discharges into the Cypress, Sabine, and Neches River basins. The basis for this decision was that these basins contain water that is soft in comparison to others in the State of Texas and the limit of 0.10 mg/L would not be protective of the environment. The limit for discharges into the Cypress, Sabine, and Neches River basins has been set at 0.02 mg/L.

Fact Sheet and Executive Director Preliminary Decision
TPDES General Permit No. TXG340000

For the protection of human health and to protect drinking water taste and odor the limitation of 0.24 mg/L for MTBE has been lowered to 0.15 mg/L at the recommendation of the TCEQs Standards Implementation Team. An EPA fact sheet dated December 1997 (EPA-822-F-97-009) recommends that MTBE levels be below the range of 0.02 -0.04 mg/L in order to protect consumer acceptance (taste and odor) of public drinking water sources. This range is about 20,000 to 100,000 times lower than the range of exposure levels in which cancer and noncancer effects were observed; therefore, protecting water sources from unpleasant taste and odor will also protect consumers from potential health effects. However, the fact sheet also notes that some individuals may still detect MTBE below 0.02 mg/L. Studies indicate that MTBE can cause detectable taste and odor in water at concentrations greater than 0.015 mg/L. Because of this, it is recommended that MTBE levels be no greater than 0.015 mg/L at drinking water intakes. Given the fact that drinking water supplies constitute large water bodies which provide rapid dilution for small and intermittent discharges such as those which would be covered by this **general permit, it is the Standards Implementation Team's recommendation that an MTBE limit** of 0.15 mg/L be placed in the general permit. This limit is consistent with the MTBE limit in TXG830000, which authorizes the discharge of similar wastewater. Finally, a restriction that the discharge point may not be within 300 feet of a public drinking water supply intake structure is included as a provision of the proposed permit.

Of the specific petroleum products of concern, the TSWQS contain a numeric limit for benzene to protect human health. The applicable instream criteria are 0.005 mg/L for public drinking water sources, 0.106 mg/L to protect freshwater fisheries, and 0.0708 mg/L to protect saltwater fisheries. The proposed permit included an effluent limit of 0.05 mg/L for benzene which is expected to meet water quality standards when typical dilution assumptions are considered.

In order to achieve compliance with Texas water quality standards, permittees must meet the following narrative water quality requirements:

- A. There shall be no discharge of floating solids or visible foam in other than trace amounts and no discharge of visible oil.
- B. Concentration of taste and odor producing substances shall not interfere with the production of potable water by reasonable water treatment methods, impart unpalatable flavor to food fish including shellfish, result in offensive odors arising from the waters, or otherwise interfere with the reasonable use of the water in the state.

The Texas Surface Water Quality Standards also require that discharges shall not be acutely toxic to aquatic life, as determined by requiring greater than 50% survival in 100% effluent using a 24-hour acute toxicity test. This requirement, however, is typically only required for continuously flowing discharges or discharges with the potential to exert toxicity in the receiving **stream, according to the state's implementation procedures.**

Based on **EPA's Conditional Withdrawal of Interim Objection letter dated April 19, 2012**, TCEQ specifically evaluated the discharges proposed to be authorized in this general permit for inclusion of oxygen demanding constituents/limitations (BOD, ammonia, and dissolved oxygen) or prohibiting discharges to exceptional aquatic life designated water bodies. Exceptional aquatic life uses for dissolved oxygen criteria are established in TCEQ rules at 30 TAC Section 307.7, Table 3 and include a 6.0/5.0 mg/L (freshwater/marine) minimum average over a 24-hour period. TCEQ provided justification in response letters **to EPA's objections** dated November 22, 2011 and March 20, 2012 (included in the administrative record) and reiterates those responses and associated position as they relate to prohibiting discharges to exceptional

Fact Sheet and Executive Director Preliminary Decision
TPDES General Permit No. TXG340000

aquatic life designated water bodies and the inclusion of limitations for preventing adverse impact to in-stream dissolved oxygen concentrations. The draft general permit includes limitations for total petroleum hydrocarbons, BTEX, and benzene which are the constituents which would exert oxygen demand in the receiving waters for permitted discharges authorized in this general permit. The discharges authorized under this general permit are highly intermittent in nature and are typically storm water driven and do not occur during receiving stream critical conditions when dissolved oxygen impacts are typically expected. **TCEQ's** experience in permitting these types of discharges through individual permits (an alternative to obtaining authorization under this general permit) have indicated no need to include limitations in individual TPDES permits for BOD, ammonia, or dissolved oxygen. Based on this evaluation a prohibition on discharges to exceptional aquatic life designated water bodies is not justified, nor are inclusion of effluent limitations for oxygen demanding constituents.

XIII. Monitoring

Monitoring is required by 40 CFR §122.44(i) for each pollutant limited in a permit to ensure compliance with the permit limits. The proposed general permit has the following criteria for monitoring:

- A. Samples must be collected and measurements taken at times and in a manner that is representative of the monitored discharge.
- B. All samples must be collected according to the latest edition of ***Standard Methods for the Examination of Water and Wastewater*** (published jointly by the American Public Health Association, the American Waterworks Association, and the Water Pollution Control Federation), the EPA's ***Methods for Chemical Analysis of Water and Waste*** (1979), or the EPA's ***Biological Field and Laboratory Methods for Measuring the Quality of Surface Waters and Effluents*** (1973).
- C. Sample containers, holding times, preservation methods, and the methods of analyses for effluent samples must meet the requirements in 40 CFR Part 136 (as amended).
- D. The permittee shall ensure that properly trained and authorized personnel monitor and sample the discharge.
- E. The sampling point must be downstream of any treatment unit or treatment technique that is used to improve or otherwise alter the quality of the discharge.
- F. All laboratory tests submitted to demonstrate compliance with this permit must meet the requirements of 30 TAC Chapter 25, ***Environmental Testing Laboratory Accreditation and Certification***.

Analytical results for determining compliance with effluent limitations must be recorded on Discharge Monitoring Report (DMR) (EPA No. 3320-1), a duplicate form, or a self-generated form that is comparable. Effluent sampling must be conducted in accordance with the monitoring frequencies specified in this general permit and must be submitted on a monthly basis to the TCEQ Enforcement Division (MC 224) or by eDMR through the eReporting function of the TCEQ eServices webpage. The DMR for any given month is due by the 20th day of the following month and must be signed in accordance with the requirements in Part IV.8 of the general permit. If noncompliance with a discharge limitation occurs, the permittee shall provide notification according to Part III.D.7 of the general permit.

XIV. Procedures for Final Decision

The memorandum of agreement between the EPA and TCEQ provides that EPA has no more than 90 days to comment, object, or make recommendations to the draft general permit before it is published in the *Texas Register*. According to 30 TAC Chapter 205, *General Permits for Waste Discharges*, when the draft general permit is proposed, notice must be published, at a minimum, in at least one newspaper of statewide or regional circulation. The commission may also publish notice in additional newspapers of statewide or regional circulation. Mailed notice must also be provided to the following:

- A. the county judge of the county or counties in which the discharges under the general permit could be located;
- B. if applicable, state and federal agencies for which notice is required in 40 CFR, §124.10(c);
- C. persons on a relevant mailing list kept under 30 TAC, §39.407, relating to Mailing Lists; and
- D. any other person the executive director or chief clerk may elect to include.

After notice of the general permit is published in the *Texas Register* and the newspaper, the public will have 30 days to provide public comment on the proposed permit.

Any person, agency, or association may make a request for a public meeting on the proposed general permit to the executive director of the TCEQ before the end of the public comment period. A public meeting will be granted when the executive director or commission determines, on the basis of requests, that a significant degree of public interest in the draft general permit exists. A public meeting is intended for the taking of public comment, and is not a contested case proceeding under the Administrative Procedure Act.

If the executive director calls a public meeting, the commission will give notice of the date, time, and place of the meeting, as required by commission rule. The executive director shall prepare a response to all significant public comments on the draft general permit raised during the public comment period. The executive director shall make the response available to the public. The general permit will then be filed with the commission to consider final authorization of the permit. **The executive director's response to public comment shall be made available to the public and filed with the chief clerk at least ten days before the commission acts on the general permit.**

XV. Administrative Record

The following section is a list of the fact sheet citations to applicable statutory or regulatory provisions and appropriate supporting references.

- A. 40 CFR Citations
 - 40 CFR §122
 - 40 CFR §124
 - 40 CFR §136

Fact Sheet and Executive Director Preliminary Decision
TPDES General Permit No. TXG340000

B. Letters, Memoranda, and Records of Communication

Interoffice Memorandum to the Industrial Permits Team from J. Trevino, Standards Implementation Team dated June 2, 2011.

EPA Interim Objection to Draft Permit And Request for Additional Information from Hosch (EPA) to Linendoll (TCEQ) dated October 20, 2011.

TCEQ Response to Interim Objection from Maguire (TCEQ) to Hosch (EPA) dated November 22, 2011.

EPA Follow-up of Interim Objection with Comments from Hosch (EPA) to Linendoll (TCEQ) dated January 5, 2012.

TCEQ Response to Follow-up of Interim Objection from Maguire (TCEQ) to Hosch (EPA) dated March 20, 2012.

EPA Conditional Withdrawal of Interim Objection from Hosch (EPA) to Maguire (TCEQ) dated April 19, 2012.

TCEQ Response to Conditional Withdrawal of Interim Objection from Linendoll (TCEQ) to Hosch (EPA) dated May 31, 2012.

EPA Withdrawal of Interim Objection from Hosch (EPA) to Galindo (TCEQ) dated June 1, 2012.

C. Miscellaneous

Quality Criteria for Water (1986), EPA 440/5-86-001, 5/1/86.

The State of Texas Water Quality Inventory, 13th Edition, Publication No. SFR-50, Texas Natural Resource Conservation Commission, December 1996.

Texas Surface Water Quality Standards, 30 TAC Sections 307.1 - 307.10 (21 TexReg 9765, 4/30/97).

Procedures to Implement the Texas Surface Water Quality Standards, Texas Commission on Environmental Quality, January 2003.

TNRCC Guidance Document for Establishing Monitoring Frequencies for Domestic and Industrial Wastewater Discharge Permits, TNRCC Document No. 98-001.000-OWR-WQ, May 1998.

TCEQ Rules.

30 TAC Chapters 39, 205, 281, 305, 307, 309, 319, 321, and 331.

Texas Pollutant Discharge Elimination System Industrial Storm Water Multi-Sector General Permit (TXR050000) issued August 14, 2011.

NPDES Regulations at 40 CFR Section 122.26(b)(14)(viii).